



Deval L. Patrick  
Governor

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*One Ashburton Place, Room 1301*

*Boston, Massachusetts 02108-1618*

*Phone (617) 727-3200*

*Fax (617) 727-5732*

*TTY (617) 727-0019*

[\*www.mass.gov/dps\*](http://www.mass.gov/dps)

Andrea J. Cabral  
Secretary

Thomas G. Gatzunis, P.E.  
Commissioner

### Minutes

**BBRS Building Code Appeals Board (BCAB)**

**Meeting Location: Taunton District Office, 1380 Bay Street, Taunton, MA**

**Meeting Date: March 6, 2014**

**Meeting Time: 9:30 a.m.**

s:\bbr\appealsboard\appealsboard\appeals 2014\minute decisions\bcab minutes 3 6 14.doc

1. Meeting called to order by the Chairman, Harry Smith, at 9:30 a.m. followed by roll call:

#### **Board Members Present:**

Harry Smith, Chairman

Alexander (Sandy) MacLeod

Kevin Gallagher

#### **Board Members Not Present:**

None

There were eight (8) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 1:10 p.m. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

#### **Guests Present:**

See sign-in sheet for each case.

2. There were no minutes from the last previous meetings to review.
3. **Case Number:** 13-1319  
**Appellant:** Attorney Pamela Brown for Bedford Plaza Hotel  
**Address of Property:** 340 Great Road, Bedford, MA 01730  
**Summary of Case:** This was a continuation of a matter first heard on December 5, 2013. The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Sections 105.1, 114.1 and 114.2 relating to the use of existing hotel rooms for extended stays of transitional families. Attorney Brown again submitted a request for continuance until April 3, 2014, indicating that parties were close to resolving the matter.

**List of Exhibits:**

**Exhibit 1.** The application dated November 7, 2013.

**Exhibit 2.** The request for continuance dated March 5, 2014, (4 pages).

On a **MOTION** by Sandy MacLeod and **SECONDED** by Kevin Gallagher, it was **UNANIMOUSLY** voted to **grant a continuance** until April 3, 2014 as requested since parties are working towards a resolution.

4. **Case Number:** 14-1344  
**Appellant:** Jennifer Lund  
**Address of Property:** 97 King Phillip Road, Norton, MA 02766  
**Summary of Case:** The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 105.3.1.1 relative to renovating a 780 square foot home in a flood-prone area. The home is currently located approximately seven (7) inches below base flood elevation requirements. Work had commenced without receiving requisite permits. The project was stopped by the municipal building commissioner.

**List of Exhibits:**

**Exhibit 1.** The application dated January 23, 2014.

**Exhibit 2.** The Federal Emergency Management Agency's Region VII, National Flood Insurance Program 50 % Rule (13 pages).

On a **MOTION** by Sandy MacLeod and **SECONDED** by Kevin Gallagher, it was **UNANIMOUSLY** voted to **grant a variance to Section 105.3.1.1** to allow renovation work to continue on the property with the understanding that permit applications would be appropriately filed for and received prior to commencing work.

5. **Case Number:** 14-1345  
**Appellant:** Sunny Zhou  
**Address of Property:** 30 Hunting Circle, Wellesley, MA 02481  
**Summary of Case:** The appeal concerned 780 CMR (*The State Building Code, Seventh Edition*), Section 5311.4.3 relative to landing requirements at exterior stairs. The municipal building commissioner had cited a violation of dimensional requirements.

**List of Exhibits:**

**Exhibit 1.** The application dated January 10, 2014.

**Exhibit 2.** A series of eight (8) photographs of the stair and surrounding area.

**Exhibit 3.** A single-page floor plan of the area.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **deny a variance to Section 5311.4.3** because the appellant was not able to demonstrate equivalent compliance with code requirements and the condition is a safety concern.

6. **Case Number:** 14-1346  
**Appellant:** James Sturgis  
**Address of Property:** Fort Square Pumping Station, 127 School St., Quincy MA 02169  
**Summary of Case:** The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*); Sections 102.2.2.1.1, 1015.1, 1021.1 and 1021.2 relative to certain egress requirements from the low occupancy, concrete block constructed building.

**List of Exhibits:**

**Exhibit 1.** The application dated January 27, 2014.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Kevin Gallagher, it was **UNANIMOUSLY** voted to **grant a variance to Section 102.2.2.1.1, 1015.1, 1021.1 and 1021.2** due to the low occupancy and construction type of the building.

7. **Case Number:** 14-1347  
**Appellant:** Lazaro Carreiro  
**Address of Property:** 16 Wooley Street, Fall River, MA 02724  
**Summary of Case:** The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 1007 relative to certain means of egress requirements from a third story unit.

**List of Exhibits:**

**Exhibit 1.** The application dated January 6, 2014.

**Exhibit 2.** A 1-page sketch of the exterior area.

**Exhibit 3.** A series of six (6) photographs of the area.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Kevin Gallagher, it was **UNANIMOUSLY** voted to **grant a variance to Section 1007** and require the installation of an exterior platform allowing access from each bedroom on the third level with a guarded ladder leading to grade or the adjacent roof or, alternatively, a spiral stair leading to grade in order to achieve requisite, equivalent safety as required by the code.

8. **Case Number:** 14-1348  
**Appellant:** Norton Remmer  
**Address of Property:** 100 Nonset Path, Acton, MA 01718  
**Summary of Case:** The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section AJ102.12 relative to second means of egress requirements from certain building units.

**List of Exhibits:**

**Exhibit 1.** The application dated January 28, 2014.

**Exhibit 2.** A series of fifteen (15) photographs of areas in question.

**Exhibit 3.** A 4-page building plan of the area.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to Section AJ102.12** and to allow the installation of a ships ladder or narrow 22" dimension stairs from existing exterior decks or the installation

of a door to grade from lower units in order to achieve a second means of egress and provide equivalent safety as required by the code.

9. **Case Number:** 14-1349  
**Appellant:** Sharon Witzer  
**Address of Property:** 27 Burlington Street, Lexington, MA 02420  
**Summary of Case:** The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 305.1, exception 2 relative to bathroom ceiling heights.

**List of Exhibits:**

**Exhibit 1.** The application dated February 10, 2014.

**Exhibit 2.** A copy of a 1-page e-mail message from Acting Lexington Building Commissioner dated February 20, 2014 indicating that he is not opposed to granting requested relief.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to Section 305.1** to allow the reduced ceiling dimension to remain with the proviso that adequate carbon monoxide (C\O) and smoke detection should be installed in the area if none exists.

10. **Case Number:** 14-1350  
**Appellant:** Charles Theocles  
**Address of Property:** 461-463 Appleton Street, Holyoke, MA 01040  
**Summary of Case:** The appeal concerned 105 CMR (*The State Sanitary Code*), Section 410.480 and Massachusetts General Law (MGL) c143, §3 relative to electronic strike locking mechanisms wherein the Building Code Appeals Board is designated with appeal authority.

**List of Exhibits:**

**Exhibit 1.** The application dated January 20, 2014.

**Exhibit 2.** A 1-page letter from Holyoke Building Commissioner dated February 27, 2014 indicating that he is not opposed to granting requested relief.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to Section 410.480** to with the proviso that a firefighters Knox box (for keys) must be installed in consolation with municipal fire services for the area.

11. This meeting was adjourned at 1:10 p.m.